



RECEIVED

MAR 14 2013

Franklin  
WATER CONSERVANCY BOARD  
Application for Change/Transfer  
Record of Decision

For Ecology Use Only

Received:

Date Stamp

Reviewed by: \_\_\_\_\_  
Date Reviewed: \_\_\_\_\_

Applicant: Glen and Diane Roundy, DBA Columbia Waters Farm

Application Number: FRAN-13-01 (S3-29033)

This record of decision was made by a majority of the board at an open public meeting of the Franklin County Water Conservancy Board held on March 7, 2013. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

☒ **Approval:** The Franklin County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on March 7, 2013 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review.

Signed:

Larry Rogers  
Larry Rogers, Chair  
Franklin County Water Conservancy Board

Date: 7 march 2013  
Approve ☒  
Deny ☐  
Abstain ☐  
Recuse ☐  
Other ☐

Lynn Hall  
Lynn Hall, Vice Chair  
Franklin County Water Conservancy Board

Date: 7 MARCH 2013  
Approve ☒  
Deny ☐  
Abstain ☐  
Recuse ☐  
Other ☐

Lee Morris  
Lee Morris, Treasurer  
Franklin County Water Conservancy Board

Date: 7 March 2013  
Approve ☒  
Deny ☐  
Abstain ☐  
Recuse ☐  
Other ☐

\_\_\_\_\_  
(Name), (Title)  
(Board Name) Water Conservancy Board

Date: \_\_\_\_\_  
Approve ☐  
Deny ☐  
Abstain ☐  
Recuse ☐  
Other ☐

\_\_\_\_\_  
(Name), (Title)  
(Board Name) Water Conservancy Board

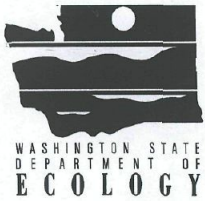
Date: \_\_\_\_\_  
Approve ☐  
Deny ☐  
Abstain ☐  
Recuse ☐  
Other ☐

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on March 12 . 2013

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

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Franklin County  
WATER CONSERVANCY BOARD  
Application for Change/Transfer  
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF  
THE STATE OF WASHINGTON

Report of Examination

**NOTE TO APPLICANT:** Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

**NOTE TO AUTHOR:** Read the instructions for completing a water conservancy board report of examination. Use the F11 key to move through the form.

☒ Surface Water ☐ Ground Water

DATE APPLICATION RECEIVED January 3, 2013	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.) S3-29033	WATER RIGHT PRIORITY DATE July 16, 1991	BOARD-ASSIGNED CHANGE APPLICATION NUMBER FRAN-13-01
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NAME Glen & Diane Roundy, DBA Columbia Waters Farm, Inc	(CITY) Pasco	(STATE) Washington	(ZIP CODE) 99301
ADDRESS (STREET) 1281 Falls Road			

**Changes Proposed:** ☐ Change purpose ☐ Add purpose ☐ Add irrigated acres ☐ Change point of diversion/withdrawal  
☐ Add point of diversion/withdrawal ☒ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

**SEPA**

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☐ Exempt ☒ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND 16.7	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 3,116.9	TYPE OF USE, PERIOD OF USE Seasonal Irrigation of 965.8 acres				
SOURCE Columbia River / Lake Wallula – McNary Pool			TRIBUTARY OF (IF SURFACE WATER) Pacific Ocean				
AT A POINT LOCATED: PARCEL NO. 118-192-484	¼ NE	¼ SW	SECTION 18	TOWNSHIP N. 9N	RANGE 29E	WRIA 36	COUNTY. Franklin
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED The N ½ of Section 4 and that portion of the N ¾SW ¼ of Section 4, lying westerly of County Road 68; the E ½NE ¼ of Section 5; BOTH IN Township 9N., Range 29 E.W.M. The E ½ of Section 28 and the E ½NE ¼ and SE ¼ of Section 34, BOTH IN Township 10N., Range 29 E.W. M., Franklin County.							
PARCEL NO. 115-010-041	¼	¼ N1/2	SECTION 4	TOWNSHIP N. 9N	RANGE, 29E		
115-010-032	N ¾	SW	4	9N	29E		
115-170-075	E ½	NE	5	9N	29E		
124-280-019		E ½	28	10N	29E		
124-340-016	E ½	NE	34	10N	29E		
124-340-016		SE	34	10N	29E		

Proposed Use

MAXIMUM CUB FT/ SECOND 16.7	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 3,116.9	TYPE OF USE, PERIOD OF USE Seasonal Irrigation of 965.8 acres				
SOURCE Columbia River			TRIBUTARY OF (IF SURFACE WATER) Lake Wallula – McNary Pool				
AT A POINT LOCATED: PARCEL NO. 118-192-484	¼ NE	¼ SW	SECTION 18	TOWNSHIP N. 9N	RANGE 29E	WRIA 36	COUNTY. Franklin
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED The N ½ NW ¼ of Section 4 and the NE ¼ of Section 4; the NE ¼ NE ¼ of Section 5; BOTH IN Township 9N., Range 29 E.W.M. The E ½ of Section 28 lying east of Taylor Flats Road and the NE ¼ and the SE ¼ and the SW ¼ of Section 34, BOTH IN Township 10N., Range 29 E.W. M. all in Franklin County.							
PARCEL NO. 115-010-032	¼ N ½	¼ NW	SECTION 4	TOWNSHIP N. 9N	RANGE, 29E		
115-010-032		NE	4	9N	29E		
115-070-075	NE	NE	5	9N	29E		
124-280-019		E ½	28	10N	29E		
124-340-016		NE	34	10N	29E		
124-340-016		SE	34	10N	29E		
124-340-061		SW	34	10N	29E		



Board’s Decision on the Application

MAXIMUM CUB FT/ SECOND 16.7	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 3,116.9	TYPE OF USE, PERIOD OF USE Agriculture Irrigation of 965.8 acres, Seasonal Irrigation				
SOURCE Columbia River			TRIBUTARY OF (IF SURFACE WATER) Lake Wallula – McNary Pool				
AT A POINT LOCATED: PARCEL NO. 118-192-484	¼ NE	¼ SW	SECTION 18	TOWNSHIP N. 9N	RANGE 29E	WRIA 36	COUNTY. Franklin
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
The N ½ NW ¼ of Section 4 and the NE ¼ of Section 4; the NE ¼ NE ¼ of Section 5; BOTH IN Township 9N., Range 29 E.W.M. The E ½ of Section 28 lying east of Taylor Flats Road and the NE ¼ and the SE ¼ and the SW ¼ of Section 34, BOTH IN Township 10N., Range 29 E.W. M. all in Franklin County.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		
115-010-032	N ½	NW	4	9N	29E		
115-010-032		NE	4	9N	29E		
115-070-075	NE	NE	5	9N	29E		
124-280-019		E ½	28	10N	29E		
124-340-016		NE	34	10N	29E		
124-340-016		SE	34	10N	29E		
124-340-061		SW	34	10N	29E		

DESCRIPTION OF PROPOSED WORKS

The proposed works for this Water Right Change/Transfer consists of installing a Circle Pivot irrigation system to an existing irrigation distribution system by connecting to an existing irrigation riser within the property boundary covering 145.4 wet acres. Also there is an existing Center Pivot system that the reversing stops will be removed to allowing the circle to run full circle picking up 68.5 acres wet acres for a combined transfer total of 214 acres wet acres. The total place of use in the new location is 220 gross acres, however these include an irrigation pond and corners that cannot be irrigated.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: April 16, 2013	COMPLETE PROJECT BY THIS DATE: June 1, 2013	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: December 31, 2013
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REPORT

NOTE TO AUTHOR: This form reflects the minimum regulatory requirements as required in WAC 173-153-130(6). In accordance with WAC 173-153-130(5), “It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board’s evaluation process, are thoroughly evaluated and discussed in the board’s deliberations. These discussions must be fully documented in the report of examination.” Completion solely of the minimum regulatory requirements may not constitute a fully documented decision.

BACKGROUND [See WAC 173-153-130(6)(a)]

On January 3, 2013 Glen & Diane Roundy DBA Columbia Waters Farm, Inc., of Pasco, Washington filed an application for change/transfer place of use under Water Right Certificate S3-29033. The application was accepted at an open public meeting on January 3, 2013, and the Franklin County Water Conservancy board assigned application number FRAN 13-01.

Attributes of the water right as currently documented

Name on certificate: **Glen & Diane Roundy, DBA Columbia Waters Farm, Inc.**

Water right document number: **S3-29033**

As modified by certificate of change number: **N/A**

Priority date, first use: **July 16, 1991**

Water quantities: **Qi: 16.7      Qa: 3,116.9 acre ft./ year**

Source: **Columbia River / Lake Wallula – McNary Pool**

Point of diversion/withdrawal:**75 feet south and 1160 feet west from the center of Section 18 within the (NE ¼ of the SW ¼) Section 18 of T.9N., R. 29 E.W.M.**

Purpose of use: **Irrigation of 965.8 Acres**

Period of use: **Seasonal Irrigation**

Place of use: **The N ½ of Section 4 and that portion of the N ¾ of the SW ¼ of Section 4, lying westerly of County Road 68; the E ½ of the NE ¼ of Section 5; BOTH IN T., 9N., R. 29 E.W.M. The E ½ of Section 28 and the E ½ of the NE ¼ and SE ¼ of Section 34, BOTH IN T.10N., R. 29 E.W. M., Franklin County.**

Existing provisions:

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and shall be submitted to Ecology upon request.



The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions, but only to the extent otherwise allowed by law.

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

In accordance with the recommendations of the Department of Fish and Wildlife, the certificate shall be issued subject to the following provision(s): "This certificate shall be issued subject to Washington State Department of Fish and Wildlife screening criteria as outlined in a Hydraulic Project Approval. Please contact the Washington State Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, Attention: Habitat Management Division, Phone (360) 902-2534, to obtain specific requirements for your project.

This authorization to use public waters of the State is classified as a Family Farm Certificate in accordance, with Chapter 90.66 RCW (Initiative Measure No. 59). This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the State of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.

The annual quantity allocated in this document is considered to be a portion of the amount reserved by the adoption of the John Day/McNary Basin Plan. The priority date of this filing, as against other uses, is fixed as of July 24, 1980.

This authorization for certificate is subject to the following minimum flow provisions as specified in WAC 173-563-040 and WAC 173-563-050 and the following table. It is subject to regulation by the Department of Ecology for protection of instream resources whenever the March 1 forecast of April-September runoff at The Dalles is 60 MAF or less, and when gauged flows are predicted by the BPA 30-Day Power Operation Plan to violate the following minimum, flow provision at:

Primary Control Station River Mile		Minimum Average Weekly Flow Columbia River Projects (1,000 cubic feet/second)						
	CHIEF JOSEPH*	WELLS& ROCKY REACH*	ROCK ISLAND& WANAPUM*	PRJEST RAPIDS	MCNARY	JOHN DAY	THE DALLES	
Jan	30	30	30	70	60	60	60	
Feb	30	30	30	70	60	60	60	
Mar	30	30	30	70	60	60	60	
Apr 1-15	50	50	60	70	100	100	100	
16-25	60	60	60	70	150	150	160	
26-30	90	100	110	110	200	200	200	
May	100	115	130	130	220	220	220	
June 1-15	80	110	110	110	200	200	200	
16-30	60	80	80	80	120	120	120	
Jul 1-15	60	80	80	80	120	120	120	
16-31	90	100	110	110	140	140	140	
Aug	85	90	95	95	120	120	120	
Sep	40	40	40	40	60	85	90	
Oct 1-15	30	35	40	40	60	85	90	
16-31	30	35	40	70	60	85	90	



Nov	30	30	30	70	60	60	60
Dec	30	30	30	70	60	60	60

\*For the reach from Grand Coulee through Wanapum, minimum average weekly flows shall be as shown above, or as necessary to maintain minimum flows (subject to low runoff adjustment) at Priest Rapids, whichever, is higher. As provided in WAC 173-563-505(1), the minimum average weekly flows set forth in this subsection are subject to a reduction of up to 25 percent during low flow years, except that in no case shall the outflow from Priest Rapids Dam be less than 36,000 cubic feet per second..

Use of water under this authorization shall be contingent upon the water right holder's utilization of up-to-date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.

Use of water under this authorization can be expected to be curtailed at least once in every 20 years.

*Tentative determination of the water right*

The tentative determination is provided on the front page of this report.

*History of water use*

The Department of Ecology issued a Certificate of Water Right S3-29033 with priority date of July 16, 1991, to Glen and Diane Roundy on the 20<sup>th</sup> day of December, 2012. There has not been a growing season since the issuance of the water certificate so the history of water has not changed since Ecology performed a proof of appropriation. The water has been used for seasonal irrigation since being put to beneficial use.

*Previous changes*

<Describe any previous change decisions associated with the water right>

While this certificate was in permit status, a change was performed to move the point of diversion to the current point of diversion. A Water Right Certificate was issued for this water right on December, 20<sup>th</sup>, 2012, there has been no changes associated with this water right since the Water Right Certificate was issued.

*SEPA*

<Provide a detailed explanation of how the board complied with the State Environmental Policy Act>

The board has reviewed the proposed project in its entirety. It was determined that this project is not categorically exempt from SEPA and the Board was identified as the SEPA lead agency. A Determination of Non-significance was issued on February 7, 2013. A public notice for the determination was published in the Franklin County Graphic on February 21, 2013. No comments were received.

*Other*

**The information or conclusions in this section were authored and/or developed by Mark Nielson.**

**COMMENT AND PROTESTS** [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the Franklin County Graphic on January 10<sup>th</sup> and 17<sup>th</sup>, 2013. The protest period ended on February 17, 2013.

There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

**The information or conclusions in this section were authored and/or developed by Roger Wright and Mark Nielson.**

**INVESTIGATION** [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspection conducted by Mark Nielson on February 12, 2013, technical reports, research of department records, and conversations with the applicant and/or other interested parties.

*Proposed project plans and specifications*

<Describe proposed use of water to include # of connections, method of irrigation, type of crop, commercial use, etc.>, Also describe any issues related to development, such as the proposed development schedule and an analysis of the effect of the proposed transfer on other water rights, pending change applications & instream flows established under state law>



The purpose of this Change/Transfer of Water Right is to transfer acre for acre 214 wet acres of water right to ground owned by the applicant Glen & Diane Roundy DBA Columbia Waters Farm, Inc. Specifically the transfer will include the following

1. Transfer of 145.5 wet acres to a center pivot irrigation system that will be installed on undeveloped ground that is located adjacent to the existing Place of Use. This parcel has access to the existing irrigation distribution system which can easily be connected to the proposed center pivot irrigation system.
2. The remaining 68.5 wet acres will be transferred to an existing part circle pivot irrigation system allowing the center pivot to complete a full circle.

The proposed development schedule will be completed the first growing season because the part circle will only require minimal ground leveling in preparation for planting of crops and the stops removed allowing the center pivot to run full circle. The additional center pivot irrigation system will be installed and connected to existing irrigation mainlines with minimal ground leveling required prior to cultivation.

The existing total acres Place of Use is 1061.31 and the proposed total Place of Use is 1066.48. Even though the proposed Place of Use total acres identifies an additional 5.17 acres there is an existing lined pond in the corner of the SW  $\frac{1}{4}$  of Section 34, T.9N., R.29 E. and there is a 20 acre water right #G3-20242(F) located in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 34, T.9N., R.29 E. See attached exhibit maps (existing & proposed). Since the wet acre transfer is an acre for acre transfer there will be no change in Qi or Qa and after consideration for the pond and the existing 20 acre ground Water Right the board determined that there was no indication for potential water spreading.

Once the transfer is approved, the intent of Columbia Waters Farm, Inc. is to apply for inclusion to the Franklin County Irrigation District #1 to irrigate the 214 acres that will be transferred with this Change/Transfer since that acreage is immediately adjacent to their existing infrastructure.

*Other water rights appurtenant to the property (if applicable)*

<Describe any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in conjunction with the right proposed to be transferred>

There is a 20 acre ground water right #G3-20242(f) associated with the proposed place of use, this water right was determined by the Department of Ecology on February 2, 2012, to be in good standing with no further action required. Water was applied to this water right during the 2012 irrigation season and the board has found the water right to be current and in good standing.

The legal description of the Place of Use for G3-20242(F) is: The N  $\frac{1}{2}$  of Section 4, T.9N., R. 29 E.W.M. and the N  $\frac{1}{2}$  SW  $\frac{1}{4}$  and the N  $\frac{1}{2}$  S  $\frac{1}{2}$  SW  $\frac{1}{4}$  of Section 4, lying westerly of County Road 68; the E  $\frac{1}{2}$  NE  $\frac{1}{4}$  of Section 5, BOTH IN T.9N., R.29 E.W.M. That portion of Section 28 lying East of Road 68 and the E  $\frac{1}{2}$  and SW  $\frac{1}{4}$  of Section 34 and the E  $\frac{1}{2}$  of Section 33, T.10N., R.29 E.W.M., Franklin County.

This 20 acre water right is currently watering a portion of a part circle in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 34, T.10N, R. 29 E.W.M. which will be included within the proposed Place of Use. The proposed Change/Transfer will allow this part circle to make a complete circle.

*Public Interest (groundwater only)*

<Provide an analysis of the transfer as to whether it is detrimental to the public interest, including impacts on any watershed planning activity. Public interest is not considered if the proposed water right is authorized under RCW 90.03.380 exclusively>

The proposed transfer is a surface water right and therefore public interest is not considered.

*Tentative Determination*

<Describe any information indicating that an existing water right or portion of a water right has been relinquished or abandoned due to nonuse and the basis for the determination>

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings:

There is no indication that any portion of this water right has been relinquished or abandoned due to nonuse. There is evidence, including aerial photography, that the water right has been put to beneficial use during the last seven years. The Department of Ecology did a proof of appropriation and issued a water right certificate on December 12, 2012.



*Geologic, Hydrogeologic, or other scientific investigations (if applicable)*

<Describe the results of any geologic, hydrogeologic, or other scientific investigations that were considered by the board and how this information contributed to the board's conclusions>

The Point of Diversion is not changing with this transfer and the ground to be included into the new Place of Use is immediately adjacent to and has the same geologic characteristics as the current Place of Use so no geologic or hydrogeologic analysis was necessary.

*Other*

<Provide any other pertinent information relative to the investigation of this application>

This is a wet acre for wet acre transfer of a water certificate that is in good standing. This is a similar transfer to many that have been completed in this area.

**The information or conclusions in this section were authored and/or developed by Mark Nielson and Roger Wright.**

**CONCLUSIONS [See WAC 173-153-130(6)(d)]**

*Tentative determination (validity and extent of the right)*

<Describe whether, and to what extent, a valid water right exists>

A valid water right exists in the amount of 16.7 cfs, 3,116.9 acre-ft for Seasonal irrigation. The Water Right Certificate was just issued in December of 2012 for this water right, and because there has not been an irrigation season since it was issued we find no reason to question the extent and validity of the Water Right as issued by the Department of Ecology after the proof of appropriation process.

*Relinquishment or abandonment concerns*

<Describe any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in the investigation section of this report>

There are no relinquishment or abandonment concerns.

*Hydraulic analysis*

<Describe the result, as adopted by the board, of any hydraulic analysis done related to the proposed water right transfer>

As this is an acre for acre transfer, and the proposed place of use is adjacent to the existing irrigation delivery system, the applicant has indicated that the new places of use can easily be connected to the existing system.

*Consideration of comments and protests*

<Discuss the board's conclusions of issues raised by any comments and protests received>

There were no comments or protests received.

*Impairment*

<Describe how or if the transfer proposal will impair existing rights of others>

Because this Change/Transfer is an acre for acre transfer there will be no impairment of existing rights of others.

*Public Interest*

<If the proposed transfer is authorized pursuant to RCW 90.44.100, describe whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively>

This transfer is being conducted exclusively pursuant to RCW 90.03.380 therefore the public interest is not considered.

*Other*

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision. <Provide any other pertinent information relative to the board's conclusions>

**DECISION [See WAC 173-153-130(6)(e)]**

<Provide a complete description of the board's decision, fully and comprehensively addressing the entire application proposal>

- A valid water right exists in the amount of 16.7 cfs, 3,116.9 acre-ft/year for seasonal irrigation of 965.8 acres.
- There is no enlargement of the existing water right.



- There are no relinquishment or abandonment concerns.
- There were no comments or protests.
- There is no indication of impairment.

Therefore, the Board approves this water right change / transfer with the quantities, the purpose of use, point of diversion, and places of use as described on Page 2 of this Report of Examination under the "Board's Decision on the Application".

<Provide any other pertinent information relative to the board's decision>

**The information or conclusions in this section were authored and/or developed by Mark Nielson**  
**PROVISIONS [See WAC 173-153-130(6)(f)]**

*Conditions and limitations*

<Identify any conditions and limitations recommended as part of an approved transfer, and/or any other corrective action necessary to maintain the water use in compliance with state laws and regulations>

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and shall be submitted to Ecology upon request.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions, but only to the extent otherwise allowed by law.

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

In accordance with the recommendations of the Department of Fish and Wildlife, the certificate shall be issued subject to the following provision(s): "This certificate shall be issued subject to Washington State Department of Fish and Wildlife screening criteria as outlined in a Hydraulic Project Approval. Please contact the Washington State Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, Attention: Habitat Management Division, Phone (360) 902-2534, to obtain specific requirements for your project.

This authorization to use public waters of the State is classified as a Family Farm Certificate in accordance, with Chapter 90.66 RCW (Initiative Measure No. 59). This means the land being irrigated under this authorization shall comply with the following definition: Family Farm -a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the State of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.

The annual quantity allocated in this document is considered to be a portion of the amount reserved by the adoption of the John Day/McNary Basin Plan. The priority date of this filing, as against other uses, is fixed as of July 24, 1980.

This authorization for certificate is subject to the following minimum flow provisions as specified in WAC 173-563-040 and WAC 173-563-050 and the following table. It is subject to regulation by the Department of Ecology for protection of instream resources whenever the March 1 forecast of April-September runoff at The Dalles is 60 MAF or less, and when gauged flows are predicted by the BPA 30-Day Power Operation Plan to violate the following minimum, flow provision at:

Primary Control Station  
River Mile  
  
Minimum Average Weekly Flow  
Columbia River Projects  
(1,000 cubic feet/second)

	CHIEF JOSEPH*	WELLS& ROCKY REACH*	ROCK ISLAND& WANAPUM*	PRJEST RAPIDS	MCNARY	JOHN DAY	THE DALLES
Jan 30		30	30	70	60	60	60
Feb 30		30	30	70	60	60	60
Mar 30		30	30	70	60	60	60



Continued

Apr 1-15	50	50	60	70	100	100	100
16-25	60	60	60	70	150	150	160
26-30	90	100	110	110	200	200	200
May	100	115	130	130	220	220	220
June 1-15	80	110	110	110	200	200	200
16-30	60	80	80	80	120	120	120
Jul 1-15	60	80	80	80	120	120	120
16-31	90	100	110	110	140	140	140
Aug	85	90	95	95	120	120	120
Sep	40	40	40	40	60	85	90
Oct 1-15	30	35	40	40	60	85	90
16-31	30	35	40	70	60	85	90
Nov	30	30	30	70	60	60	60
Dec	30	30	30	70	60	60	60

\*For the reach from Grand Coulee through Wanapum, minimum average weekly flows shall be as shown above, or as necessary to maintain minimum flows (subject to low runoff adjustment) at Priest Rapids, whichever, is higher. As provided in WAC 173-563-505( 1), the minimum average weekly flows set forth in this subsection are subject to a reduction of up to 25 percent during low flow years, except that in no case shall the outflow from Priest Rapids Dam be less than 36,000 cubic feet per second..

Use of water under this authorization shall be contingent upon the water right holder's utilization of up-to-date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.

Use of water under this authorization can be expected to be curtailed at least once in every 20 years.

*Mitigation (if applicable)*

<Describe any requirement to mitigate adverse effects of the project. Mitigation may be proposed by the applicant or the board and be required in the board's decision>

None needed

*Construction Schedule*

<Provide a schedule for development and completion of the water right transfer, if approved in part or in whole, that includes a definite date for completion of the transfer and application of the water to an authorized beneficial use>

This project will begin on approximately April 16, 2013 and is scheduled for completion by 12/31/2013.

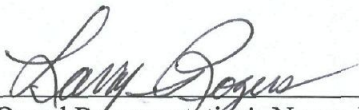
*Other*

<Provide any other pertinent information relative to provisions>

**The information or conclusions in this section were authored and/or developed by Mark Nielson.**

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Pasco, Washington  
This 7th day of March, 2013

  
Board Representative's Name, Board Representative  
Board Name Water Conservancy Board

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

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